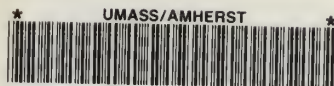


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SUPREME JUDICIAL COURT  
218 Old Courthouse  
Boston, Massachusetts 02108

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CONTACT: Joan Kenney  
617/725-8524

FOR IMMEDIATE RELEASE:  
July 24, 1991

The Chief Justice and the Associate Justices of the Supreme Judicial Court today issued the attached statement and order regarding the Office of the Chief Administrative Justice of the Trial Court.

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STATEMENT OF THE JUSTICES OF THE  
SUPREME JUDICIAL COURT

July 24, 1991

For three successive fiscal years the Judicial Branch of this Commonwealth has suffered major cuts in its appropriations. Due to the cooperative efforts of the administrative justices of the Trial Court, judges, clerks, clerk-magistrates, employees and employee unions, the Judicial Branch has managed almost alone in state government to end each fiscal year without a deficit. This successful effort to live "within the budget" has come about because of the leadership of the Chief Administrative Justice of the Trial Court, Arthur M. Mason, in cooperation with the Justices of the Supreme Judicial Court. Nevertheless, sacrifices of worthwhile programs have had to be made, essential positions remain unfilled for lack of funds, and many important and worthwhile services have had to be eliminated or curtailed. The budget for Fiscal Year 1992 reduces Judicial Branch appropriations by more than six and one-half million dollars. Total Judicial Branch appropriations for Fiscal Year 1992 will fall below 1 1/2% of total state appropriations. Additionally, well thought out Judicial Branch capital outlay improvement programs are again threatened even though many courthouses are unsafe, ramshackle and unsightly.

Under the state constitution, Chief Administrative Justice Mason must retire on January 7, 1992, midway through FY 1992, when he attains the age of seventy years. Absent his mandatory



retirement, Chief Administrative Justice Mason's second seven year term as Chief Administrative Justice would expire on August 11, 1992.

Given the continuing fiscal crisis affecting the Massachusetts courts, the need for continuity in various major programs affecting the administration of the Trial Court, and the pendency of several legislative proposals for reorganizing the Trial Court, the Chief Justice and Justices of the Supreme Judicial Court, in consultation with Chief Administrative Justice Mason, have determined it essential to avoid a lapse of leadership in the critical position of Chief Administrative Justice of the Massachusetts Trial Court. Such a step is essential not only to maintain momentum in ongoing efforts to improve the administration and management of the Trial Court, but also to ensure the survival of the court system.

In these circumstances, the Justices of the Supreme Judicial Court, acting pursuant to their constitutional, statutory and inherent powers of general superintendence of all the courts of the Commonwealth, as well as the specific provisions of G. L. c. 211B, § 7, have determined it appropriate to announce at this time the appointment of an experienced Administrative Justice to succeed Chief Administrative Justice Mason, effective on his retirement on January 7, 1992. The Chief Justice and Justices of the Supreme Judicial Court have selected Chief Justice John E.



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Fenton, Jr., of the Land Court Department of the Trial Court to succeed Chief Administrative Justice Arthur M. Mason of the Massachusetts Trial Court.

Chief Justice Fenton and the Justices of the Supreme Judicial Court have agreed that this action implies no commitment beyond the remainder of Chief Administrative Justice Mason's current term. In the future, all appropriate applicants and nominees, including Chief Justice Fenton, will be considered. During this time, Chief Justice Fenton will also continue to serve as Chief Justice of the Land Court.

The Justices have chosen Chief Justice Fenton not only because of his impressive credentials as a lawyer, teacher, scholar, judge and court administrator but because of his working knowledge of the operations of the Office of the Chief Administrative Justice. The Justices deem it important that necessary planning for trial court operations beyond the mandatory retirement date of Chief Administrative Justice Mason, including planning for the balance of FY '92 and for FY '93, continue without interruption. Consequently, effective immediately, Chief Justice Fenton, cognizant of the present powers of Chief Administrative Justice Mason, will begin to work in a cooperative manner with Chief Administrative Justice Mason and the members of his staff so as to effectuate a smooth transition.



In a spirit of comity, the Justices will await a legislative response in the current legislative session to the bill submitted by the Justices for court reorganization before determining what further action may be necessary.

On behalf of the Justices, Chief Justice of the Supreme Judicial Court, Paul J. Liacos, stated:

"Improved court management is inherently a continuing and constantly evolving process. On behalf of my colleagues, I thank Chief Administrative Justice Mason for his many contributions and achievements and pledge our continued support to him and to Chief Justice Fenton as they embark on this demanding task."

A copy of the order of appointment of Chief Justice Fenton, together with his vitae, is appended.

PJL:cs



COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

Suffolk, ss.

July 24, 1991

ORDER

The Justices of the Supreme Judicial Court, pursuant to their constitutional, inherent and statutory powers of superintendence, as well as the power vested in them by the provisions of G. L. c. 211B, § 7, as amended, hereby appoint

JOHN E. FENTON, JR.,

Administrative Justice (Chief Justice) of the Land Court Department of the Trial Court, as Chief Administrative Justice of the Trial Court to succeed Chief Administrative Justice Arthur M. Mason on his retirement, on January 7, 1992, for the remainder of his term until August 11, 1992.

Witness our hands this 24th day of July, 1991.

Paul F. Leacor

Herbert P. Vilkins

Reith J. Abrams

Joseph Molan

John J. O'Connell

Francis J. Conner

John M. Garvey



**JOHN EDWARD FENTON, JR.**  
**CHIEF JUSTICE, LAND COURT, DEPARTMENT OF THE TRIAL COURT**

**PERSONAL DATA**

John E. Fenton, Jr., resident of Andover, Massachusetts; born in Lawrence, Massachusetts, October 28, 1930; married to the former Theresa A. Regan.

**EDUCATION**

Lawrence High School, with Great Distinction, June, 1947.

College of the Holy Cross, Worcester, Massachusetts, Bachelor of Arts, cum laude, June, 1951.

Boston College Law School, Chestnut Hill, Massachusetts, Juris Doctor, June, 1954 (ranked second in graduating class).

Harvard Law School, Cambridge, Massachusetts, Master of Laws, June, 1955.

**JUDICIARY**

Appointed Associate Justice, Massachusetts Land Court, May, 1974.

Appointed Administrative Justice (Chief Justice), Massachusetts Land Court, September, 1990.

**MILITARY SERVICE**

Served as First Lieutenant in the Judge Advocate General's Corps of the United States Army for 27 months.

**SUFFOLK UNIVERSITY LAW SCHOOL**

Associate Professor of Law, 1957 to 1959

Professor of Law, 1959 to present

Associate Dean, June, 1973 to May, 1974

**NATIONAL JUDICIAL COLLEGE**

(University of Nevada at Reno)

Faculty member at the National College offering graduate lectures in Evidence to state trial judges of courts of special and general jurisdiction.

**LAW RELATED ACTIVITIES**

Admitted to Massachusetts Bar on October 19, 1954; admitted to practice in the United States District Court, United States Court of Appeals, United States Court of Military Appeals, United States Supreme Court.

Formerly represented clients in the District, Probate, Superior, Land, Supreme Judicial Courts of Massachusetts; United States District Court and United States Court of Appeals.

General practice of law 1954 to 1974 (except for period of military service) with Lawrence firm of Fenton & Elias.

Former auditor in numerous cases, appointed by various judges of the Massachusetts Superior Court.



Special Counsel for Senate President and Massachusetts Senate in the trial and appeal of legislative reappointment cases in Supreme Judicial Court of Massachusetts and United States District Court, 1967-1968 and 1969-1970.

Special Counsel to Governor's Council in constitutional address proceeding and hearing to remove Presiding Judge of the District Court of Dorchester, 1973.

## **JUDICIAL COMMITTEES**

Chairman, Advisory Committee to Study the Rules of Evidence appointed by the Supreme Judicial Court.

Chairman, Standing Committee on Trial Court Rules.

Member, Advisory Committee of Massachusetts Judicial Institute.

Member, Supervisory Committee, Judicial Performance Enhancement Program.

## **PROFESSIONAL AFFILIATIONS**

American Bar Association, Member, Section on Legal Education; Section on Judicial Administration.

Massachusetts Bar Association, Former Member, Committee on the Administration of Justice; Former Member, Subcommittee on Modernization of the Courts.

Boston Bar Association, Member.

Essex County Bar Association, Member.

Lawrence Bar Association, Member, Library Committee, 1961-1964; Chairman, Committee on Continuing Legal Education, 1962; Member, Executive Committee, 1965, 1966 (this committee determines the policy of the Lawrence Bar Association and also acts as the Grievance Committee of the Association).

Massachusetts Conveyancers' Association, Member.

## **COMMUNITY AND CIVIC ACTIVITIES**

Board Chairman and Trustee, Holy Family Hospital and Medical Center, Methuen, Massachusetts and affiliated corporations (ex-officio member of all standing committees).

Director and Member of Executive Committee, Caritas Christi, Archdiocese of Boston Health System.

Past President and current Director and member of Planning Committee, M/I Nursing and Restorative Center, Lawrence, Massachusetts, Past President of Advisory Board and Past Chairman of Building Committee.

Director, The Protectory, Inc. (non-profit housing units for elderly and handicapped).



Trustee, Emerson College, Boston, Massachusetts; Member, Presidential Search Committee.

Secretary, Director and former member Executive Committee, Greater Lawrence Boys Club; Chairman, Boys Club Scholarship Committee.

Trustee, Robert M. Birmingham Charitable Trust.

June 1972 to November 1973- appointed by Mayor of City of Lawrence to be chairman of a Special Charter Study Commission to review the Charter of the City of Lawrence for the purpose of either updating it or recommending a new form of government for the City.

## AWARDS

Doctor of Laws (Honorary) awarded by Massachusetts School of Law at Andover, 1991.

Doctor of Laws (Honorary) awarded by Merrimack College, May, 1977.

"Cardinal Cushing Award" presented by Ancient Order of Hibernians, March, 1980.

Ralph B. Wilkinson "Good Citizenship Award" presented by Greater Lawrence Chamber of Commerce, May, 1974.

Cited by Governor's Council of the Commonwealth of Massachusetts for distinguished public service, May, 1974.

Nominated by Pope John XXIII Knight of the Holy Sepulchre, July 1961, formally invested in New York City on September 16, 1961.

Presented "Health Award" for distinguished service to Greater Lawrence's two general hospitals, June, 1971.

"Distinguished Faculty Member Award" by Student Bar Association of Suffolk University Law School, 1970.

Recipient of first "Distinguished Service Award" presented by Board of Editors of Suffolk University Law Review, 1973.

Cited by Lawrence Bar Association for distinguished public service, December, 1973.

